THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.25687 OF 2007

&

CONTEMPT CASE No.1044 OF 2007

DATED: 03-12-2007

BETWEEN

T. Venkamma, W/o. Narasimham,
R/o. H.No.17-3-60 & 17-30-60/1,
Padamati Veedhi, Kandukur,
Prakasam District and another.

...PETITIONERS

AND

The District Collector,
Prakasam District at Ongole
and another.

...RESPONDENTS

COMMON ORDER:

The contempt case has been filed alleging that the Mandal Revenue Officer, Kandukur – second respondent willfully violated the orders of this Court dated 12.10.2007 passed in W.P.No.21413 of 2007.

2. The petitioners herein filed W.P.No.21413 of 2007 stating that their grandfather purchased an extent of Ac.1.50 cents of land in Sy.No.865/1 through a registered sale deed bearing Document No.2490/1949 dated 04.11.1999 and ever since he has been in possession and occupation of the same and after his demise,
the father of the petitioners 2 and 3 and his younger brother were in occupation of the same. They have partitioned the property and the father of the petitioners 2 and 3 got an extent of Ac.0.71 cents.

The grievance of the petitioners was that the second respondent had been interfering with the cultivation of the said land. However, having regard to the facts and circumstances of the case and the contentions of the petitioners that the said land is their ancestral property and that it is neither an assigned nor Government land, the writ petition was disposed of directing the second respondent not to dispossess the petitioners without following due process of law.

3. For the alleged violation of the aforesaid order, the petitioners filed the present contempt case and this Court issued notice before admission on 12.11.2007. Thereafter, the petitioners filed the present writ petition in W.P.No.25687 of 2007 alleging that the petitioners are in possession of the land in an extent of Ac.0.71 cents in SY.No.865/1B situated at Kandukur Village and Mandal, bounded on the East: Mogilisetti Singaiah and others; West: Jonnalagadda Satyanarayana Rice Mill; North: Donka and South: Government Old Port Matam Land and without fixing the boundaries in respect of the said land the respondents are interfering with their peaceful possession and enjoyment. Therefore, they seek a Writ of Mandamus directing the respondents not to interfere with their peaceful possession and enjoyment in respect of the said land.

4. Counter has been filed in the contempt case stating that the petitioners and their predecessors in title have got absolute ownership in respect of the land in an extent of Ac.1.50 cents situated in Sy.No.865/1B and it is not a Government Land. The land in Sy.No.865/1A1A/2B is a Government land, which is abutting the land of the petitioners, in an extent of Ac.311.40 cents and out of the said land, an extent of Ac.0.44 cents of land is identified for allotment in favour of District Water Management Authority. Since the said land was covered by thorny bushes the same was leveled on 05.11.2007. The petitioners made an attempt to obstruct the work of leveling thinking that the said land belongs to them and falls in their Sy.No.865/1B. It is further stated that the respondents are ready to survey the land and

identify the total extent of Ac.1.50 cents along with its boundaries.

5. Having regard to the facts and circumstances of the case, I am of the opinion that there is no willful violation or disobedience of the orders of this Court.

The writ petition and the contempt case are accordingly disposed of directing the respondents to survey the total extent of Ac.1.50 cents of land situated in Sy.No.865/1B and identify the boundaries in respect of the land fallen to the share of the petitioners to avoid further controversy with regard to the allotment of any portion of the land in favour of District Water Management Authority. There shall be no order as to costs.

_____

V. ESWARAIAH, J

December 3, 2007
DSK